

Serial No.: 10/564,231

Office Action dated: June 22, 2009

Response to Office Action dated: November 23, 2009

**REMARKS**

In the Office Action dated June 22, 2009, the Examiner:  
allowed claims 3-5 and 7;  
rejected claims 1-3 and 6-8 under 35 U.S.C. § 112, second paragraph, as  
being indefinite; and  
rejected claims 1-2, 6 and 8 under 35 U.S.C. § 102 (b) as being anticipated  
by G.B. Patent No. 2,374,654 A to Allport ("Allport").

Applicants hereby amend claims 2-3 and 5-8 and cancel claim 1. Claims 2-3 and 6-8 are independent. Claims 2-8 are presented for consideration in light of the following remarks.

The Examiner rejected claims 1-3 and 6-8 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants herein amend claims 2-3 and 6-8 in view of the Examiner's suggested amendment. Applicants also herein cancel claim 1. Accordingly, Applicants respectfully request that the rejection of claims 1-3 and 6-8 under 35 U.S.C. § 112, second paragraph, as being indefinite be withdrawn.

The Examiner rejected claims 1-2, 6 and 8 under 35 U.S.C. § 102(b) as being anticipated by Allport. A rejection under 35 U.S.C. § 102(b) is improper unless a single prior art reference shows or discloses each and every claim recitation.

Amended claim 2 recites, *inter alia*, said cover portion being axially pressed by said pressing portion, and said pressing unit applying an axial-directional pre-compression to said second elastic member; and a fixing position of said pressing unit is capable of being adjusted axially with respect to said inside cylindrical portion of said damper unit.

Allport does not anticipate claim 2 for a number of reasons. First, Allport does not show or disclose that *the cover portion is axially pressed by the pressing portion* and that *the pressing unit applies an axial-directional pre-compression to the second elastic member*, as recited in amended claim 2. Instead, Allport is directed to an annular elastomeric ring 23 having a plurality of sleeves 28 arranged in the

circumferential direction and attached in the width direction of the annular elastomeric ring 23 (Allport, Figures 1 & 2, p. 5, paragraph 1). The sleeves 28 receive rigid projections/studs 30, 31 of the opposing annular members 2, 3, thereby preventing axial pressure from being exerted on the annular elastomeric ring 23. Therefore, Allport does not show or disclose *said cover portion is axially pressed by said pressing portion, said pressing unit applies an axial-directional pre-compression to said second elastic member*, as recited in amended claim 2.

Second, Allport does not show or disclose that *the fixing position of the pressing unit is capable of being adjusted axially with respect to the inside cylindrical portion of the damper unit*, as recited in amended claim 2. Rather, the length of the sleeves 28 and projections/studs 30, 31 of Allport establishes the axial displacement of the opposing annular members 2, 3. The lengths of the sleeves 28 and projections/studs 30, 31 of Allport are fixed, not adjustable. Thus, the axial displacement of the opposing annular members 2, 3 is likewise fixed to a single distance (i.e., the length of the sleeves 28 or the projections/studs 30, 31). Therefore, Allport does not show or disclose *a fixing position of the pressing unit is capable of being adjusted axially with respect to the inside cylindrical portion of the damper unit* as recited in amended claim 2.

Third, Allport does not show or disclose the *pressing unit*, as recited in amended claim 2, in any way. The Examiner asserts that the disc 4 of Allport discloses the *pressing unit*, as recited in claim 2. However, the disc 4 of Allport is actually a portion of the first annular member 2 (Allport, p. 3, para. 10). More specifically, the disc 4 of Allport is the portion of the first annular member 2 that is remote from the second annular member 3, for instance, being disposed on the damper side, rather than the pulley side, of the first annular member 2 (Allport, Figure 2). Further, as discussed above, the disc 4 of Allport, which is a portion of the first annular member 2, does not press axially against the annular elastomeric ring 23 in any way. Therefore, the disc 4 cannot possibly press axially upon the second annular member 3 because the disc 4 is disposed on the remote side of the first annular member 2 from the second annular member, with projections/studs 30, 31 establishing an axial displacement therebetween. If anything, disc 4 of Allport corresponds with disk portion 15 of the present invention (see Figure 1), meaning that disc 4 -- like disk portion 15 -- is a portion of the element (e.g., first

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annular member 2) relative to which axial pressure is applied. Thus, Allport does not show or disclose the *pressing unit*, as recited in amended claim 2.

Since Allport does not show or disclose the above-mentioned features as recited in amended claim 2, Allport cannot possibly show or disclose the functional capability enabled by said features. For instance, one skilled in the art would consider it impossible (i.e., it conflicts with common technical knowledge) to apply an axial-directional pre-compression to the annular elastomeric ring 23 due to the existence of the sleeves 28 and the projections/studs 30, 31. This is because sleeves 28 and projections/studs 30, 31 are ordinarily formed of non-elastomeric bodies and, as shown in Figure 2 of Allport, the sleeves 28 and projections/studs 30, 31 of Allport are interposed between the first and second annular members 2, 3. Therefore, the rigidity and placement of the sleeves 28 and projections/studs 30, 31 would render axial-directional compression of the annular elastomeric ring 23 impossible. Thus, Allport does not show or disclose the functional capability enabled by the features recited in amended claim 2.

Therefore, Allport does not show or disclose each and every recitation of claim 2 of the present invention. Accordingly, Applicants respectfully submit that the rejection of claim 2 under 35 U.S.C. § 102(b) as being anticipated by Allport is improper for at least these reasons, and should be withdrawn.

Amended claim 6 recites, *inter alia*, a pressing unit and a fixing portion. As discussed above, Allport does not show or disclose a *pressing unit* or an element that enables a fixing position (i.e., a *fixing portion*).

Therefore, Allport does not show or disclose each and every recitation of claim 6 of the present invention. Accordingly, Applicants respectfully submit that the rejection of claim 6 under 35 U.S.C. § 102(b) as being anticipated by Allport is improper for at least these reasons, and should be withdrawn.

Amended claim 8 recites, *inter alia*, a second fitting portion and a third fitting portion. The Examiner admitted that Allport does not show or disclose the *second* and *third fitting portions* as recited in amended claim 8 (Office Action, p. 7, para. 6). In fact, the Examiner stated that said *second* and *third fitting portions* form the basis of allowability of claims 3-5 and 7.

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Therefore, Allport does not show or disclose each and every recitation of claim 8 of the present invention. Accordingly, Applicants respectfully submit that the rejection of claim 8 under 35 U.S.C. § 102(b) as being anticipated by Allport is improper for at least these reasons, and should be withdrawn.

Applicants respectfully submit that nothing in the current Amendment constitutes new matter. Support for the amendments can be found in, at least, previously presented claim 1, paragraphs [0039]-[0044] and Figure 4.

Having traversed each and every rejection, Applicants respectfully request claims 2-8 be passed to issue.

Applicants hereby petition for a two-month extension of time to respond to the present Office Action. Applicants' Attorneys hereby authorize the Commissioner to charge the two-month extension fee of \$490 to the Deposit Account 13-0235. Applicants believe that no other fees are due in connection with this Amendment and Response. If any fees are deemed necessary, please charge them to Deposit Account 13-0235.

Respectfully submitted,

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